

REMARKS

In the Office Action mailed January 14, 2004 (the "Office Action"), the U.S. Patent and Trademark Office (the "Patent Office") acknowledged that claims 1-3, 11, 45, and 46 are pending in the application and rejected claims 1-3, 11, 45, and 46.

In the Office Action, the Patent Office acknowledged the applicant's request for continued examination and withdrew the finality of the previous Office Action. The Patent Office rejected claims 1-3, 11, 45, and 46 under 35 U.S.C. § 112, first paragraph. Claims 1-3 and 11 are amended herein, while claim 46 is cancelled. The applicants respectfully traverse the rejection as set forth below.

Rejection of claims 1-3, 11, and 45-46 under 35 U.S.C. § 112, first paragraph

In the Office Action, the Patent Office rejected claims 1-3, 11, 45, and 46 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Patent Office alleged that the specification does not provide literal or inherent support for a previously requested limitation.

As amended herein, claim 1 no longer includes the allegedly unsupported limitation. The requested amendment finds support in the specification as filed on page 14, line 9 and elsewhere throughout the document.

The claimed invention is readily distinguishable from the teachings of Kuo *et al.* Kuo *et al.* provide no evidence whatsoever that the compounds they allegedly describe are neurotoxic. Their musings on page 4081 of a potentially toxic compound are at best a mere invitation to experiment. On the other hand, the present inventors have isolated and concretely characterized a particular soluble, non-fibrillar, neurotoxic structure comprising from about 13 to about 24 amyloid β 1-42 proteins.

In view of the foregoing, the applicants respectfully request reconsideration and withdrawal of the pending rejection of claims 1-3, 11, 45, and 46.

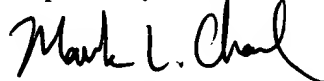
CONCLUSION

The applicants respectfully request consideration of the remarks and entry of the amendments found herein, as well as reconsideration and withdrawal of the pending claim rejection. The amendments herein are requested without disclaimer of any subject matter, without prejudice to future prosecution, and without presumption that the actions are taken for any reason related to patentability.

The Patent Office is invited to contact the undersigned at 312 913 2117, if it is believed that such contact would expedite prosecution of the present application. The Patent Office is authorized to debit any fee underpayment or credit any fee overpayment occasioned by this response to Deposit Account No. 13-2490. The applicants believe that the application is in condition for allowance; prompt issuance of a Notice of Allowance is respectfully requested.

Date: July 14, 2004

Respectfully submitted,



Mark L. Chael, J.D., Ph.D.

Reg. No. 44,601

McDonnell Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312 913 0001

Facsimile: 312 913 0002